

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOCUS PRODUCTS GROUP INTERNATIONAL, LLC,
ZAHNER DESIGN GROUP LTD., HOOKLESS SYSTEMS
OF NORTH AMERICA, INC., SURE FIT HOME
PRODUCTS, LLC, SURE FIT HOME DÉCOR HOLDINGS
CORP., and SF HOME DÉCOR, LLC,

Plaintiffs,

-v-

KARTRI SALES CO., INC., and MARQUIS MILLS
INTERNATIONAL, INC.,

Defendants.

15 Civ. 10154 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed plaintiffs' letter, Dkt. 496, objecting as improper to various aspects of defendants' renewed proposed findings of fact and conclusions of law, Dkt. 495. The Court has also reviewed defendants' letter response, Dkt. 497, stating that they have merely complied with this Court's instruction, at the close of the recent bench trial on July 28, 2022, to add record cites to the proposed findings of fact and conclusions of law submitted before trial, Dkt. 464. Defendants argue that, to the extent that plaintiffs object to the defense making improper representations of fact and reprising precluded arguments, plaintiffs failed to so object to this submission before trial.


Upon initial review of defendants' submissions, defendants appear to be descriptively correct that they have merely added citations to their initial proposed findings of fact and conclusions of law. At the same time, plaintiffs appear to be correct that defendants' underlying submission was rife with improprieties, including making assertions in support of legal arguments on which the Court has previously ruled against defendants. It also appears that the

newly added material includes (1) citations to deposition testimony and documents not in evidence, (2) factual statements without citations to record evidence, (3) references to witness testimony unsupported by specific page citations, and (4) citations to the trial record that do not support the corresponding statement in the proposed findings of fact and conclusions of law.

Given defendants' history in this litigation of making improper filings and pursuing baseless and precluded arguments, it is not sensible, efficient, or fair to expect plaintiffs to expend resources identifying each inaccuracy or other deficiency in defendants' submissions. The Court accordingly instead declines to review defendants' submission, having determined that it does not reflect the level of professionalism and care expected of lawyers practicing in this District.

The Court will give defendants until Wednesday, August 24, 2022, to submit a corrected version of this submission. The Court expects defendants, this time, to painstakingly review the submission before its filing to assure that, *inter alia*, it is faithful to the record, cites only to evidence received at trial, does not contain factual statements that are not supported by the record, and does not pursue facts and arguments previously precluded by this Court.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: August 18, 2022
New York, New York